

**III. Remarks**

**A. Rejections Under 35 U.S.C. §§ 102 and 103**

- 1. Rejection of claims 76–77, 80–81, 87, 89, 90–91 and 93–95 under 35 U.S.C. § 102(a) as being anticipated by Canadian Patent 2,313,356 to Holderbaum et al.**
- 2. Rejection of claims 88 and 92 under 35 U.S.C. § 103(a) as being unpatentable over Holderbaum et al. in view of European Patent Publication EP 0,055,100 to Barford et al.**

In the context of the rejection of the claims under 35 U.S.C. § 102, the Examiner makes the following statement:

**Applicant[s] cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.**

(Examiner's Action, page 4, lines 1–3).

Applicants submit herewith as **EXHIBIT A** an English translation of a Certified Copy of German Patent Application No. 100 10 760.5, filed March 4, 2000. The translation is accompanied by a Statement executed by the translator that the translation of the Certified Copy is accurate.

The translation of a Certified Copy of the German priority document is similar to the English text of the present application.

With the filing of the translation in accordance with MPEP § 201.15, Applicants can now rely on the filing date of the priority German Application of March 4, 2000, for the purpose of demonstrating support for the pending claims back to the filing date of that German priority document of March 4, 2000. The date of publication of Holderbaum et al. is January 3, 2001, which is about ten months after the filing date of Applicants' priority application. Accordingly, Applicants ask that Holderbaum be removed as a reference because its effective publication date is ten months after the priority date of the present application.

With the removal of Holderbaum et al., the rejection under 35 U.S.C. § 102(a), which is based solely upon Holderbaum et al., has been rendered moot and must be withdrawn. Similarly, the rejection under 35 U.S.C. § 103(a), in which Holderbaum et al. is the primary reference has also become moot and should be withdrawn.

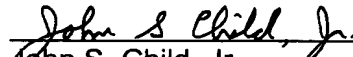
**IV. Conclusion**

It is believed that the above Amendment and Remarks constitute a complete Response under 37 C.F.R. § 1.111 and that all grounds for objection stated in the Action have been adequately rebutted or overcome. A Notice of Allowance in the next Action is therefore requested. The Examiner is requested to telephone the undersigned counsel if any matter that can be expected to be resolved in a telephone interview is believed to impede the allowance of the pending claims of Application Serial No. 10/765,751.

Respectfully submitted,

DANN DORFMAN HERRELL AND SKILLMAN  
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Date: September 6, 2006

  
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Enclosures: Certificate of Mailing Under 37 C.F.R. § 1.8(a)  
Petition for Extension of Time Under 37 C.F.R. § 1.136(a)  
Authorization To Charge Deposit Account (original + 1 copy)  
Fee Transmittal for FY 2006 (original + 1 copy)  
Check in the amount of \$1,020.00 for the extension fee  
Amendment and Response To United States Patent and Trademark Office  
Examiner's Action Under 37 C.F.R. § 1.111  
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**EXHIBIT A**

- Statement of Charles Edward Sitch Ba, Acting Managing Director of RWS Group Ltd UK Translation Division, of Europa House, Marsham Way, Gerrards Cross, Buckinghamshire, England, attesting to the accuracy of the translation into the English language of the specification filed with the application for a patent in Germany on 4 March 2000 under the number 100 10 760.5.
- English translation of a Certified Copy of German Application 100 10 760.5, filed 04 March 2000.